

## **REMARKS**

Claims 1-5 were originally pending and remain so. Claims 1-3 and 5 have been amended to more particularly describe the claimed invention. The Abstract has been amended to correct matters of form. No new matter has been introduced. The Applicant respectfully requests reconsideration of this application in light of the foregoing amendments and the following remarks.

### **I. The Abstract Is In Correct Form**

The Abstract was objected to as being too long. The Abstract has been amended to fall within the 150 word limit. Reconsideration and withdrawal of this objection is respectfully requested.

### **II. Claims 1-3 and 5 are Patentable Over Champion et al.**

Claims 1, 2, 3 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,123,936 to Champion et al. [hereinafter “Champion et al.”]. The Examiner contends that Champion et al. discloses all of the elements of these claims. The Applicant traverses this rejection and respectfully disagrees with the Examiner’s characterization of this reference vis-à-vis the claims at issue.

As the Examiner indicated with respect to the rejection of claim 4, Champion et al. fails to disclose “establishing an aggregate portfolio of investments from the first customer and from a plurality of other customers.” Claims 1-3 and 5 have been amended to include this recitation. Accordingly, the Applicant respectfully submits that Champion et al. fails to anticipate or render

obvious claims 1, 2, 3 and 5. Reconsideration and withdrawal of the rejection of these claims is therefore respectfully requested.

## **II. Claim 4 is Patentable In View of Champion et al. and Kosiba et al.**

Claim 4 stands rejected as unpatentable under 35 U.S.C. §103(a) over Champion et al. in view of U.S. Patent No. 6,098,052 to Kosiba et al. The Examiner contends that Champion et al. discloses all of the elements of claim 4 except for “establishing an aggregate portfolio of investments from the first customer and from a plurality of other customers”, for which the Examiner cites Kosiba et al. and contends it would be obvious to modify the portfolio management method [of Champion et al.] to aggregate a plurality of customers’ accounts into one aggregate portfolio” because “one would have been motivated to modify [Champion et al.] in order to lower the transaction cost.” The Applicant traverses this rejection and respectfully disagrees with the Examiner’s characterization of this reference vis-à-vis claim 4.

Even assuming *arguendo* that Champion et al. discloses all of the elements of claim 4 mentioned by the Examiner (which the Applicant does not concede), Kosiba et al. fails to disclose establishing an aggregate portfolio of investments among multiple customers as set forth in the present application. The Examiner cites the following portion of Kosiba et al. in support of his contentions.

Equally importantly, for a credit card issuer, and its collection department or collection agency, is to determine from its computer database how to optimize the use of collection resources. For example, use of collection resource ‘A’, a phone contact agent for example, may result in a certain **aggregate payment amount from two separate accounts**. However, use of collection resource ‘A’ against one of the accounts and a cheaper collection resource ‘B’, a mailing for example, against the other account might result in the same **aggregate total income**, but at a lower cost.

(emphasis added)

However, the term aggregate is being used not to combine separate accounts but rather to refer to the total payments from two separate accounts – each being made separately. Therefore, this teaching from Kosiba et al. fails to teach one of ordinary skill in the art to “[establish] an aggregate portfolio of investments from the first customer and from a plurality of other customers” as set forth in the claim at issue. As such, the combination of Champion et al. and Kosiba et al. fails to result in the claimed invention.

Moreover, the combination of Champion et al. and Kosiba et al. cannot be made in the manner suggested by the Examiner because one would not consider the cited teaching of Kosiba et al. regarding calculating the total payments from one potential collection method as useful for modifying the investment methods of Champion et al.

Accordingly, the Applicant respectfully submits that Champion et al. and Kosiba et al. do not render claim 4 unpatentable and that claim 4 is patentable over Champion et al. and Kosiba et al. either taken alone or in combination. Reconsideration and withdrawal of the rejection of claim 4 is respectfully requested.

### **CONCLUSION**

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of objection and rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned to discuss any matter regarding this application.

Respectfully submitted,

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Date: February 14, 2008

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